

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Marvin Jerome Johnson**

**Docket No. 5:01-CR-63-1BO**

**Petition for Action on Supervised Release**

COMES NOW Timothy L. Gupton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Marvin Jerome Johnson, who, upon an earlier plea of guilty to 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 1, 2001, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Marvin Jerome Johnson was released from custody on November 12, 2009, at which time the term of supervised release commenced.

On May 4, 2010, the defendant submitted an urinalysis screening that tested positive for the use of cocaine. Although the defendant blatantly denied, the positive results were confirmed by Alere Toxicology Services, Inc. in Richmond, Virginia. Substance abuse counseling was discussed with the defendant and the defendant advised that substance abuse counseling was not necessary because he has not used any drugs. On May 12, 2010, upon a recommendation by this probation officer, the court ordered the defendant to complete 24 hours of community service. On August 17, 2010, the defendant successfully completed the community service.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On October 18, 2010, during a routine office visit, the defendant admitted that he used cocaine approximately three weeks prior to the office visit. In view of this drug use, enrollment in the DROPS Program and completion of a 5-day period of incarceration are recommended. The defendant will also be enrolled in substance abuse counseling. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

---

**Marvin Jerome Johnson**  
**Docket No. 5:01-CR-63-1BO**  
**Petition For Action**  
**Page 2**

1. The defendant shall be confined to the custody of the Bureau of Prisons for a period of 5 days and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the third use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

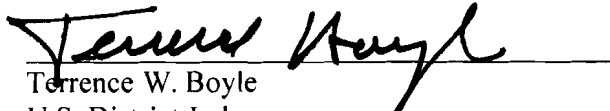
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain  
Michael C. Brittain  
Senior U.S. Probation Officer

/s/ Timothy L. Gupton  
Timothy L. Gupton  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8660  
Executed On: October 25, 2010

**ORDER OF COURT**

Considered and ordered this 28 day of October, 2010, and ordered filed and made a part of the records in the above case.

  
Terrence W. Boyle  
U.S. District Judge